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In re application of
Norihide Ooyama
Serial No 10/004,803
Filed: December 07, 2001
For: SEALED BATTERY

DECISION ON
PETITION

This is a response to the PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. § 1.181, filed April 27, 2004. The petition requests that the abandonment, as set forth in the Notice of Abandonment of April 23, 2004, for failure to timely file a proper reply to the Office letter mailed May 07, 2003 be withdrawn since the applicants did timely file a reply on August 05, 2003, 2003. (Copies of the papers filed August 05, 2003 are attached to the instant petition as well as a copy of the USPTO date stamped postcard receipt.)

DECISION

The instant request has been accepted as a petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 (no fee) - no abandonment-in-fact. A review of the evidence presented reveals that applicant's reply was properly filed August 05, 2003 as evidenced by the USPTO date stamped return receipt postcard indicating receipt of the reply at the USPTO on August 05, 2003. However, upon review of the application history the holding of abandonment for failure to timely file a proper reply to the Office letter mailed May 07, 2003 has already been rescinded, in the Office letter mailed February 23, 2005 and the application has been returned to pending status. Thus the instant petition is now rendered moot.

The application shall be forwarded to the examiner for entry, processing and consideration of the reply originally filed August 05, 2003.

The Petition is DISMISSED.

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